

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Maryland State Lottery and Gaming Control Agency
(DLS Control No. 14-019)**

Overview and Legal and Fiscal Impact

The purpose of these proposed regulations is to update and refine current regulations of the State Lottery and Gaming Control Agency concerning the mandatory exclusion list for video lottery facilities.

These proposed regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Maryland State Lottery and Gaming Control Agency:

Gaming Provisions: Mandatory Exclusion: COMAR 36.03.07.03, .04, .06, .07, and .08

Legal Analysis

Background

Video lottery gaming in Maryland can trace its legislative beginning to 2007, when the General Assembly enacted a law legalizing the operation of five video lottery facilities. The law took effect after the amendment to the Maryland Constitution authorizing video lottery gaming was ratified in the general election of November 4, 2008. In 2012, the General Assembly and the voters of Maryland approved the operation of a sixth video lottery facility and table gaming at all facilities. Currently, facilities are operating in Allegany County, Anne Arundel County, Cecil County, and Worcester County. Facilities are expected to open in Baltimore City in the third quarter of 2014 and in Prince George's County in mid-2016.

Established by the Maryland Lottery and Gaming Control Commission, the mandatory exclusion list consists of the names of individuals who are banned from video lottery facilities. The individuals (1) are career offenders; (2) have been convicted of certain criminal offenses; (3) would adversely affect the interests of the State, the licensee, or themselves if they are in the establishment of the licensee; (4) are the subject of a certain type of administrative or judicial order; (5) present a threat to the safety of an individual on the premises of a video lottery facility; (6) engage in or have engaged in disruption of video lottery or table game play; (7) are reasonably believed to have cheated or attempted to cheat at a facility; or (8) engage in conduct that adversely affect public confidence in, or perception of, video lottery or table game operations in the State.

Summary of Proposed Regulations

The proposed regulations authorize the director of the agency to place individuals on the mandatory exclusion list. Current regulations require that the commission place individuals on the list. The proposed regulations also require that an individual placed on the list receive a letter expressly prohibiting the individual not only from entering any video lottery facility but also from playing any video lottery terminal or table game.

The proposed regulations also require that the facility exclusion plan established by a video lottery facility operator include reports to the commission about the presence on the facility premises of an individual who is (1) included on the mandatory exclusion list and (2) is required to be prevented from playing video lottery terminals or table games. The plan must also include the facility's response to the discovery of an individual who is on the mandatory exclusion list on facility property, which may include pursuing criminal charges against the individual.

Legal Issue

These regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The agency cites § 9-1A-24(d) of the State Government Article as authority for the proposed regulations. That provision of law requires the commission to provide for the establishment of a mandatory exclusion list, including defining the standards for exclusion or ejection. This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulations implement technical and procedural changes relating to the Mandatory Exclusion List. The agency advises that the regulations have minimal or no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The agency advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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